

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

In re:

**EDITH M. CHEW,,
Debtor**

: **CHAPTER 13**

: **BANKRUPTCY NO. 20-12591**

**ORDER SUR DEBTOR'S OBJECTIONS TO PROOF OF CLAIM FILED BY NEW REZ,
LLC ("NEW REZ")**

AND NOW, this day of October, 2020, it is hereby ORDERED

as follows:

1. The Objections are SUSTAINED.
2. That aspect of the Proof of Claim filed by New Rez for arrearages is REDUCED to \$ _____.

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Debtor

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: **BANKRUPTCY NO. 20-12591**

**DEBTOR'S OBJECTIONS TO PROOF OF CLAIM FILED BY NEW REZ, LLC ("New
Reze")**

The Debtor now comes and makes the following Objections ("the
Objections") to the Proof of Claim ("POC") filed in this case (No. 3) by New Rez:

1. On July 27, 2020, Thomas Song, Esq., identified as Attorney for New Rez, filed Proof of Claim No. 3-1 on behalf of New Rez, asserting, inter alia, a right to a total secured claim of \$189,475.60 and an arrearage of \$20,370.85 against the Debtor. A copy of the POC, is attached hereto as an Exhibit.
2. The only portion of the POC which in any way itemizes the alleged arrearages owed by the Debtor is page 4 of the POC, "Part 3" of which states that the "Principal & interest due" is \$9865.10; the "Prepetition fees due" are \$450; the "Escrow deficiency for funds advanced" is \$4639.38; the "Projected escrow shortage" is \$6866.81, less "funds on hand," comes to 20,370.85.
3. There has been and there is no mortgage foreclosure action pending against the Debtor in state court.
4. The Debtor believes that her present monthly mortgage payment is \$1791/month, which includes all escrows. She believes that her delinquencies are for eight or less payments, and therefore the total arrears owed to New Rez is not more than \$14,248, which is significantly less than the amount claimed as an arrearage in the POC.

5. In light of the foregoing, the portion of the POC seeking mortgage arrearages of \$20,730.85 should be reduced.

WHEREFORE, the Debtor requests that this court will enter the Proposed Order accompanying the Objections.

/s/DAVID A. SCHOLL
512 Hoffman Street
Philadelphia, PA. 19148
610-550-1765
Attorney for Debtor

Fill in this information to identify the case:

Debtor 1 EDITH M. CHEW
Debtor 2 _____
(Spouse, if filing) _____
United States Bankruptcy Court for the: EASTERN District of Pennsylvania
(State)
Case Number 20-12591-elf

Official Form 410

Proof of Claim

Read the instructions before filling out this form. Use this form to make a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

The law requires that filer must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. § 152, 157, and 3571.
Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____											
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From Whom? _____											
3. Where should notices and payments to the creditor be sent?	<table border="1"><thead><tr><th>Where should notices to the creditor be sent?</th><th>Where should payments to the creditor be sent? (if different)</th></tr></thead><tbody><tr><td>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) <u>NEWREZ LLC DBA SHELLPOINT MORTGAGE SERVICING</u> <u>P.O. BOX 10826</u> <u>GREENVILLE</u> <u>SC</u> <u>29603-0675</u> City State Zip</td><td><u>NEWREZ LLC DBA SHELLPOINT MORTGAGE SERVICING</u> <u>P.O. BOX 10826</u> <u>GREENVILLE</u> <u>SC</u> <u>29603-0675</u> City State Zip</td></tr><tr><td>Contact Phone <u>(800) 365-7107</u></td><td>Contact Phone <u>(800) 365-7107</u></td></tr><tr><td>Contact Email <u>mtgbk@shellpointmtg.com</u></td><td>Contact Email <u>mtgbk@shellpointmtg.com</u></td></tr><tr><td colspan="2">Uniform claim identifier for electronic payments in chapter 13 (if you use one) _____</td></tr></tbody></table>		Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) <u>NEWREZ LLC DBA SHELLPOINT MORTGAGE SERVICING</u> <u>P.O. BOX 10826</u> <u>GREENVILLE</u> <u>SC</u> <u>29603-0675</u> City State Zip	<u>NEWREZ LLC DBA SHELLPOINT MORTGAGE SERVICING</u> <u>P.O. BOX 10826</u> <u>GREENVILLE</u> <u>SC</u> <u>29603-0675</u> City State Zip	Contact Phone <u>(800) 365-7107</u>	Contact Phone <u>(800) 365-7107</u>	Contact Email <u>mtgbk@shellpointmtg.com</u>	Contact Email <u>mtgbk@shellpointmtg.com</u>	Uniform claim identifier for electronic payments in chapter 13 (if you use one) _____	
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Uniform claim identifier for electronic payments in chapter 13 (if you use one) _____												
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____											

5. Do you know if anyone else has filed a proof of claim for this claim? ☒ No
☐ Yes. Who made the earlier filing? _____

Part 2: Give Information about the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 4894
7. How much is the claim? \$169,475.60 Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?
Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach any document supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as healthcare information.

Money Loaned
9. Is all or part of the claim secured? ☐ No
☒ Yes. The claim is secured by a lien on property.
Nature of property:
☒ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official form 410-A) with the *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: 206 GULPH CREEK ROAD, RADNOR TOWNSHIP, PA 19087

Basis for perfection: Recorded Security Instrument
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ 169,475.60
Amount of the claim that is unsecured: \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ 20,370.85

Annual Interest Rate (when case was filed) 7.125%
☒ Fixed
☐ Variable
10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right to setoff? ☒ No
☐ Yes. Identify the property: _____
12. Is all or part of the claim ☒ No

entitled to priority under 11 U.S.C. § 507(a)? ☐

Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligation (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

*Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorized courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. § 152, 157 and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date July 23, 2020
MM / DD / YYYY

/s/ Thomas Song, Esquire
Signature

Print the name of the person who is completing and signing this claim:

Name Thomas Song, Esq., Id. No.89834
First name Middle name Last name

Title Attorney

Company Phelan Hallinan Diamond & Jones, LLP
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103

Contact phone 215-563-7000 Email Thomas.Song@phelanhallinan.com

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions

Part 1: Mortgage and Case Information			Part 2: Total Debt Calculation			Part 3: Arrearage as of Date of the Petition			Part 4: Monthly Mortgage Payment		
Case Number:	20-12591-elf		Principal balance:	\$156,282.79		Principal & interest due:	\$9,865.10		Principal & interest:	\$986.51	
Debtor 1:	EDITH M. CHEW		Deferred Principal:	\$0.00		Prepetition fees due:	\$450.00		Monthly escrow:	\$748.01	
Debtor 2:			Interest due:	\$9,553.87		Escrow deficiency for funds advanced:	\$4,639.38		Private mortgage insurance:	\$0.00	
Last 4 digits to identify:	4894		Fees, costs due:	\$450.00		Projected escrow shortage:	\$6,866.81		Total monthly payment:	\$1,734.52	
Creditor:	NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING		Escrow deficiency for funds advanced:	\$4,639.38		Less funds on hand:	-\$1,450.44				
Servicer:	NEWREZ LLC DBA SHELLPOINT MORTGAGE SERVICING		Less total funds on hand:	-\$1,450.44		Total prepetition arrearage:	\$20,370.85				
Fixed accrual/daily simple interest/other:	Fixed Accrual		Total debt:	\$169,475.60							

Part 5: Loan Payment History from First Date of Default:

Account Activity				How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred							
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
	Contractual Payment amount	Funds received	Amount Incurred	Description	Contractual Due Date	Prin. Int & esc past due balance	Amount to Principal	Amount to Interest	Amount to Escrow	Amount to Fees or Charges	Unapplied funds	Principal Balance	Accrued interest balance	Escrow balance	Fees / Charges Balance	Unapplied Funds Balance
06/01/2019	\$1,818.08			Payment Due		\$1,818.08						\$156,456.47		\$0.00	\$0.00	\$0.00
06/30/2019		\$1,835.21		Funds Received		\$1,818.08					\$1,835.21	\$156,456.47		\$0.00	\$0.00	\$1,835.21
07/01/2019	\$1,818.08			Payment Due		\$3,636.16						\$156,456.47		\$0.00	\$0.00	\$1,835.21
07/26/2019		\$957.67		Funds Received		\$3,636.16					\$957.67	\$156,456.47		\$0.00	\$0.00	\$2,792.88
07/29/2019		\$877.54		Funds Received		\$3,636.16					\$877.54	\$156,456.47		\$0.00	\$0.00	\$3,670.42
08/01/2019	\$1,818.08			Payment Due		\$5,454.24						\$156,456.47		\$0.00	\$0.00	\$3,670.42
				Escrow Advance - Taxes												
08/01/2019			\$5,024.77	Payment Applied		\$5,454.24			(\$5,024.77)			\$156,456.47		(\$5,024.77)	\$0.00	\$3,670.42
08/02/2019				Payment Applied	06/01/2019	\$3,636.16	\$57.55	\$928.96	\$831.57		(\$1,818.08)	\$156,398.92		(\$4,193.20)	\$0.00	\$1,852.34
08/02/2019				Payment Applied	07/01/2019	\$1,818.08	\$57.89	\$928.62	\$831.57	\$0.00	(\$1,818.08)	\$156,341.03		(\$3,361.63)	\$0.00	\$34.26
09/01/2019	\$1,818.08			Payment Due		\$3,636.16						\$156,341.03		(\$3,361.63)	\$0.00	\$34.26
				Payment Applied			\$58.24	\$928.27				\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
09/30/2019		\$1,818.08		Payment Due	08/01/2019	\$1,818.08			\$831.57			\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
10/01/2019	\$1,791.23			Payment Due		\$3,609.31						\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
11/01/2019	\$1,791.23			Payment Due		\$5,400.54						\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
12/01/2019	\$1,789.05			Payment Due		\$7,189.59						\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
01/01/2020	\$1,789.05			Payment Due		\$8,978.64						\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
02/01/2020	\$1,789.05			Payment Due		\$10,767.69						\$156,282.79		(\$2,530.06)	\$0.00	\$34.26
02/25/2020			\$1,167.17	Escrow		\$10,767.69			(\$1,167.17)			\$156,282.79		(\$3,697.23)	\$0.00	\$34.26
Official Form 410				Proof of Claim					page 1							

Official Form 410

Proof of Claim

page 1

NewRez LLC DBA Shellpoint Mortgage Servicing services the underlying mortgage loan and note for the property referenced in this proof of claim for FHLMC VPC 189777. In the event the automatic stay in this case is modified, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING.